

Article 1 | General

Sec. 1.1 Short Title

This ordinance shall be known as the "Durham City-County Unified Development Ordinance," and may be referred to as "this UDO" or "this Ordinance."

Sec. 1.2 Purpose and Intent

1.2.1 It is the purpose of this Ordinance to promote the health, safety and general welfare of the residents of Durham City and County.

1.2.2 In support of these purposes, this Ordinance contains regulations designed to:

- A.** Protect existing neighborhoods, preventing their decline and promoting their livability;
- B.** Address future needs, growth, and change in the jurisdiction;
- C.** Conserve land and water resources;
- D.** Preserve groundwater quality and supply;
- E.** Recognize geologic features, soil and topography;
- F.** Improve air quality;
- G.** Minimize congestion in the streets and reduce reliance on automobiles by providing options for walking, bicycling, and transit use;
- H.** Secure safety from fire and other dangers;
- I.** Provide adequate light and air;
- J.** Prevent overcrowding of land and undue concentrations of population;
- K.** Provide adequate transportation, water supplies, sewer service, schools, parks, open space, and public facilities;
- L.** Conserve the value of buildings;
- M.** Examine the most appropriate use of the land;
- N.** Regulate the location of business and industry;
- O.** Regulate the height and bulk of buildings;
- P.** Protect the capacity of floodways and non-encroachment areas in order to prevent loss or damage to homes or property;
- Q.** Regulate the area of yards and open spaces for buildings;
- R.** Provide for the needs of agriculture;
- S.** Protect historic sites and areas;
- T.** Encourage an aesthetically attractive community; and

- U. Prevent secondary effects from land uses that could negatively impact nearby land uses, consistent with prior ordinances restricting such uses and evidence supporting such restrictions.

1.2.3 It is also the purpose of this Ordinance to provide for the orderly, efficient and economic development of the City and County by providing for:

- A. The coordination of streets, highways and other public facilities within proposed subdivisions with existing or planned streets and highways or other public facilities;
- B. The dedication or reservation of rights-of-way, easements or sites for streets, utilities, open space, recreation areas, and other public facilities;
- C. The protection of historic resources and the natural environment; and
- D. The distribution of population and traffic which shall avoid congestion and overcrowding and which shall create conditions essential to public health, safety and the general welfare.

Sec. 1.3 Authority

The authority to adopt and enforce this Ordinance is granted by the Charter of the City of Durham, by Chapter §160A, Article 19 of the North Carolina General Statutes as to the City of Durham, and by Chapter §153A, Article 18 of the North Carolina General Statutes as to the County of Durham, and any other applicable general or special statutes of the State of North Carolina including Chapter 4 of Title 15A of the North Carolina Administrative Code.

Sec. 1.4 Jurisdiction

The provisions of this Ordinance shall apply to all properties within the jurisdiction of the County or the City and shall govern development and use of the land. No building shall be erected or structurally altered nor shall any land development activity take place, unless it conforms to the provisions of this Ordinance. Uses of property shall be limited by the provisions of this Ordinance.

Sec. 1.5 Relationship to Adopted Plans

The Comprehensive Plan adopted by the governing bodies indicates desired development at various levels of intensity. This Ordinance is intended to implement the Comprehensive Plan, therefore the Plan should be used as a guide for the application of this Ordinance to land within the areas covered, as well as for the provision of public services.

Sec. 1.6 Minimum Requirements

The provisions of this Ordinance are intended to be minimum requirements. Where the provisions of this Ordinance impose greater restrictions than other ordinances, the provisions of this Ordinance shall prevail. Where the provisions of another ordinance impose greater restrictions, the other ordinance shall prevail.

Sec. 1.7 Conflict

These regulations are not intended to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other public laws, ordinances, or regulations, except as specified in Sec. 1.8, Effective Date. Where these regulations conflict with other provisions of public law and regulations, the more stringent requirements shall apply.

Sec. 1.8 Effective Date

1.8.1 This Ordinance is effective within each jurisdiction as of January 1, 2006. All ordinances in conflict are hereby repealed to the extent of their inconsistency. The ordinances repealed are the following:

- A.** Durham City Code Chapter 24, Zoning;
- B.** Durham City Code, Chapter 19, Subdivisions;
- C.** Durham County Code of Ordinances Appendix A, Durham City-County Zoning Ordinance;
- D.** Durham County Code of Ordinances Appendix B, City-County Subdivision Ordinance;
- E.** All other ordinances or parts of ordinances which are in conflict with this Ordinance including, but not limited to, Sections 4-2, 4-3, 4-6, 4-7, 4-8, 5-5, 5-7, 5-8, 12-6, and 23-82 of the Durham City Code, and sections 14-51 through 14-71 (the Sedimentation and Erosion Control Ordinance) of the Durham County Code are repealed to the extent necessary to give this Ordinance full force and effect.

1.8.2 Notwithstanding the above, the provisions of Sec. 1.10, Transitional Provisions, shall govern the completion of approved permits, development plans, plats and other approvals specified therein, or completed applications for the same. Vested rights shall be determined in accordance with Sec. 3.20, Statutory Vested Rights Determination.

Sec. 1.9 Severability

Should any section or provision of this Ordinance be declared invalid, the remaining sections or provisions shall remain valid.

Sec. 1.10 Transitional Provisions

1.10.1 Violations Continue

Any violation of previous zoning, subdivision, sedimentation and erosion control or flood hazard ordinances will continue to be a violation under this Ordinance and be subject to penalties and enforcement under this Ordinance unless the use, development, or activity complies, in its entirety, with the provisions of this Ordinance.

1.10.2 Prior Nonconformities and Grandfathered Uses

Any use, plan, building, or lot that was nonconforming or grandfathered under prior ordinances shall be considered a nonconformity under this Ordinance except as may be otherwise provided under Article 14, Nonconformities. The provisions of Article 14, Nonconformities, shall be applicable to all nonconformities. Uses, plans, buildings, or lots that were previously nonconforming or grandfathered that become conforming because of adoption of this Ordinance shall no longer be considered nonconformities provided that all applicable provisions of this Ordinance are complied with.

1.10.3 Effect of this Ordinance on Approved Plans and on Completed Applications

A. Approved Site Plans, Plats, and Permits and Completed Applications

1. Completion of development under an approved site plan, preliminary plat, final plat, major or minor special use permit, or building permit (if none of the preceding approvals are required) shall be governed by the ordinance under which the approval was granted.
2. An application for a site plan, preliminary plat, final plat, major or minor special use permit, building permit (if none of the preceding approvals are required), or development plan associated with a zoning map change that was administratively determined to be substantially complete as of December 31, 2005, shall be governed by the ordinance in effect at the time of submission if it complied with such ordinance at that time. The expiration and continuing validity of any such site plan, plat, or permit shall be governed by the previous ordinance. The continuing validity of any such development plan shall be governed by paragraph 1.10.3A.3 below and paragraph 3.5.12, Deviations from Approved Development Plans.
3. For property with a development plan approved under an ordinance in effect prior to adoption of this Ordinance, an application for a site plan, preliminary plat, final plat, major or minor special use permit, or building permit (if none of the preceding approvals are required) that is substantially complete as of December 31, 2006 or within two years of the date of development plan approval, whichever is later, shall conform to the approved development plan except that it shall comply with the provisions of this Ordinance adopted for environmental purposes, including but not limited to Article 8, Environmental Protection, Sec. 3.8, Sedimentation and Erosion Control, and Sec. 12.10, Sedimentation and Erosion Control, and to all other applicable laws or ordinances adopted for environmental purposes.

B. Timely Submission of Information

Applicants who have substantially complete applications as provided above shall comply with all requests for further information and submit all necessary revisions of submitted plans in a timely manner. A delay of more than 90 days in submission of information or revisions requested shall constitute effective withdrawal of the application, with loss of all fees paid. Any new application shall then conform with the provisions of this Ordinance.

1.10.4 Violations in Progress

The prosecution of violations which occurred under previous ordinances shall continue until resolved.

1.10.5 Zoning District Name Changes

- A. The zoning district names in effect prior to the effective date of this Ordinance are hereby converted, as shown on the following table.

PREVIOUS DISTRICT		NEW DISTRICT	
Residential Districts			
RD	Rural District	RR	Residential Rural
R-20	Residential 20	RS-20	Residential Suburban – 20
R-15, R-10	Residential 15, 10	RS-10	Residential Suburban – 10
R-8	Residential 8	RS-8	Residential Suburban – 8
RM-8, RM-12, RM-16	Residential Multifamily 8, 12, 16	RS-M	Residential Suburban Multifamily
R-5	Residential 5	RU-5	Residential Urban – 5
R-3	Residential 3	RU-5(2)	Residential Urban – 5(2)
RM-16, RM-20	Residential Multifamily 16, 20	RU-M	Residential Urban Multifamily
ITOD-CN RM-CN 40 RM-CN 60 RM-CN 80	Interim TOD Compact Neighborhood Residential Multifamily Compact Neighborhood 40, 60, 80	RC	Residential Compact
Nonresidential Districts			
--	--NEW--	CD	Compact Design
--	--NEW--	CI	Commercial Infill
NC	Neighborhood Commercial	CN	Commercial Neighborhood
O&I-1, O&I-2	Transitional Office and Institutional, General Office and Institutional	OI	Office and Institutional
GC	General Commercial	CG	Commercial General
CBD	Central Business District	DD	Downtown Design
RSCH, RAD	Research Park, Research Applications	SRP	Science Research Park
I-2 CT	Light Industrial Commercial Trade	IL	Industrial, Light
I-3	Heavy Industrial	I	Industrial
Planned Districts			
PDR	Planned Density Residential	PDR	Planned Development Residential
UC	University and College	UC	University and College
SC	Shopping Center	CC	Commercial Center
I-1	Industrial Park	IP	Industrial Park
MU	Mixed Use	MU	Mixed Use
Overlay Districts			
--	-- NEW --	-P	Neighborhood Protection Overlay
--	-- NEW --	-TO	Transitional Office Overlay
60 to 65 LDN Above 65 LDN	Airport Overlay	-A60 -A65	Airport Overlay
MTC	Major Transportation Corridor Overlay	-MTC	Major Transportation Corridor Overlay
-H	Historic District Overlay	-H	Historic Districts & Landmarks Overlay
Watershed Protection Overlay			
M/LR-A, -B F/J-A, -B E-A, -B	Lake Michie/Little River District Falls/Jordan District Eno River District	M/LR-A, - B F/J-A, -B E-A, -B	Lake Michie/Little River District Falls/Jordan District Eno River District

- B. Projects originally developed as R-20 Cluster Developments prior to 1994 that were converted to R-15 projects under the 1994 zoning ordinance shall be designated as RS-20 developments with the adoption of this Ordinance.

Sec. 1.10 Transitional Provisions

- C. All parcels zoned with development plans, both developed and undeveloped, shall continue to carry the (D) designation. Deviations from such development plans shall be governed by the provisions of paragraph 3.5.12, Deviations from Approved Development Plans.